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BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.

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In re:

AMENDMENT OF SECTION 73.622 (b)
 TABLE OF ALLOTMENTS
 DTV BROADCAST STATIONS
 ALBUQUERQUE, NEW MEXICO

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MM Docket No.

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

TO: Chief, Allocations Branch
 Policy and Rules Division

PETITION FOR RULEMAKING

The Board of Regents of the University of New Mexico and the Board of Education of the City of Albuquerque, New Mexico ("the Board"), licensee of noncommercial educational station KNME-TV ("KNME"), NTSC Channel *5, Albuquerque, New Mexico, by its attorneys and pursuant to the Commission's Rules, hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.622(b) of its Rules to substitute DTV Channel *35 in lieu of DTV Channel *25 as KNME's paired digital channel in Albuquerque, New Mexico. This substitution of paired digital channels would serve the public interest. In addition, as the attached technical documentation demonstrates, KNME's proposed operation on Channel *35 will not cause impermissible interference to any other stations, including Class A stations.

The Board proposes the following amendment to Section 73.622(b) of the Commission's Rules:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Albuquerque, New Mexico	16, *17, 24c, 26, 42c, 51c, *25	16, *17, 24c, 26, 42c, 51c, *35

In support of this petition, the Board submits the following:

A. A Petition for Rulemaking is the Only Available Avenue of Relief for KNME

Station KNME is a public television station licensed (jointly) to two governmental entities of the State of New Mexico – the University of New Mexico and the Albuquerque School Board. KNME's mission is to provide the citizens of central and northern New Mexico with quality television and educational opportunities. In fact, KNME provides the only public television service and the only locally-produced programming for more than 1,308,000 citizens residing in central and northern New Mexico via its main station and 27 translators.

The Board has operated noncommercial educational station KNME on analog Channel *5 at Albuquerque since 1958, providing high quality educational, informational and cultural programming, including children's programming, to the area. In the *Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders*, in MM Docket No. 87-268, FCC 98-315 (released December 18, 1998), the Commission allocated Channel *25 for KNME. The Board now seeks to substitute DTV Channel *35 in lieu of DTV Channel *25 in order to eliminate potential interference concerns. Specifically, DTV Channel *25 is in the middle of a contiguous NTSC and DTV channel block in the Albuquerque market. As explained in the attached Engineering Statement prepared by the Board's consulting engineer, the move to DTV Channel *35 -- a non-contiguous channel -- will help eliminate any potential adjacent channel interference at receivers.

As further demonstrated in the attached Engineering Statement, DTV Channel *35 can be utilized at the KNME transmitter site, assuming a power/height combination of no more than

250kw/3295m RCAMSL. Operations at 250 kw will allow KNME to provide coverage to a large and substantial area of the current NTSC coverage area.

B. The Proposed Change to the Table of Allotments Will Serve the Public Interest

The proposed change to the DTV Table of Allotments will serve the public interest by ensuring KNME's ability to provide high quality noncommercial educational programming to its viewing public, while avoiding potential interference.

As explained in the attached Engineering Statement, DTV Channel *25 is in the middle of a contiguous NTSC and DTV channel block, which could result in interference to KNME's DTV operations on Channel *25, thus impacting KNME's ability to provide an interference-free signal to its viewers. Operation on DTV Channel *35 will help avoid potential interference to the reception of KNME's DTV signal and other DTV signals in the area.

C. The Proposed Change to the Table of Allotments Will Not Result in Impermissible Interference with Surrounding Stations.

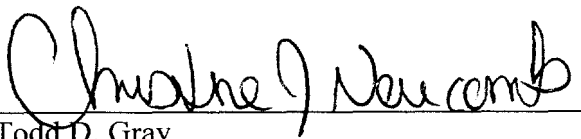
Under Section § 73.622(f)(5) of the Commission Rules, an existing licensee with DTV allotment may seek a change in the station's channel if the licensee demonstrates that the change "complies with the technical criteria in §73.623(c), and thereby will not result in new interference exceeding the *de minimis* standard set forth in that section" In accordance with these rules, the Board requests that the Commission substitute DTV Channel *35, at a power/height combination of no more than 250kw/1289m, for DTV Channel *25. As the engineering statement accompanying this petition demonstrates, the proposed operation of KNME-DT on Channel *35 with an ERP of 250 kw (utilizing an omni-directional antenna) and HAAT of 1289 m would in fact result in no impermissible interference to any other station.

CONCLUSION

For these reasons, the Board requests that the Commission institute a rulemaking proceeding to amend Section 73.622 of its Rules to substitute DTV Channel *35 for DTV Channel *25 as the paired channel for KNME in Albuquerque, New Mexico. If the Commission grants this petition and modifies the DTV Table of Allotments accordingly, the Board is committed to applying for and constructing its DTV station on Channel *35.

Respectfully Submitted,

THE BOARD OF REGENTS OF THE
UNIVERSITY OF NEW MEXICO AND THE
BOARD OF EDUCATION OF THE CITY OF
ALBUQUERQUE, NEW MEXICO

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December 8, 2000

KNME

S I N C E 1 9 5 8

I, William W. Britton, hereby declare under penalty of perjury that the foregoing facts as set forth in this **Petition for Rulemaking** to amend Section 73.622 of the Commission's Rules are true and correct to the best of my knowledge and belief.

By: William W. Britton
William W. Britton

Title: _____
Associate Vice President and Controller- UNM

Date: 12/6/06

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
STATION KNME-DT
ALBUQUERQUE, NEW MEXICO

Technical Statement

This Technical Statement and associated Figures have been prepared on behalf of KNME-DT in support of a *Petition for Rule Making* to modify the DTV allotment of KNME-DT from channel 25 to channel 35.

DTV channel 35 can be substituted and allotted to Albuquerque, New Mexico in compliance with the principal community coverage requirements of Section 73.625(a) at reference coordinates:

35° 12' 44" West Latitude
106° 26' 57" North Longitude

These proposed DTV reference coordinates are the same as the FCC allocated KNME-DT facility.

In addition, operation on DTV channel 35 is possible with an effective radiated power (ERP) of 250 kW utilizing a non-directional antenna radiation envelope and an antenna height above average terrain (HAAT) of 1289 meters and a radiation center of 3295 meters above mean sea level. The proposed channel change is acceptable under the 2 percent criterion for *de minimis* impact applicable to DTV allotment modifications under Section 73.623(c)(2).

Therefore, it is proposed to modify KNME-DT's authorization to specify operation on the alternate DTV channel with the following specifications:

State & City	DTV Channel	DTV ERP (kW)	Antenna Radiation Center	Antenna HAAT
NM, Albuquerque	35	250 kW	3295 m AMSL	1289 m
Note: Non-Directional Antenna				
Reference Coordinates: 35° 12' 44 N. Latitude/106° 26' 57" W. Longitude				

It is also proposed to amend the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, as follows:

<u>City</u>	<u>Present</u>	<u>Channel No.</u>	<u>Proposed</u>
Albuquerque, NM	16, *17, 21 24c, *25 , 26 42c, 51c		16, *17, 21 24c, 26, *35 42c, 51c

Background

Station KNME-DT is currently allotted channel 25 for its DTV operation with an effective radiated power of 285.3 kW and an HAAT of 1289 meters.

KNME-DT is requesting to substitute its DTV channel to a higher UHF channel to eliminate being adjacent channel to nearby UHF DTV stations. Figure 1 is a graph showing the NTSC and DTV stations allocated to Albuquerque. As can be seen, the existing KNME-DT allocation on Channel 25 is in the middle of a contiguous channel block extending from Channel 23 to Channel 27.

KNME-DT desires a non-contiguous channel in order to eliminate any possibility of adjacent channel interference to a receiver, especially a TV Translator pick-up receiver. KNME(TV) is the licensee of 27 translators in New Mexico. The KNME programming is

distributed to these translators either directly by receiving KNME from Albuquerque, or from a nearby KNME translator. KNME intends to eventually transition the programming distribution to these translators from its NTSC channel to its DTV channel. Therefore, it is possible, with the present adjacent channel DTV allocation situation, that frequency dependent multipath may cause the desired-to-undesired interference ratios to be violated at a receiver. If these ratios are exceeded, interference may result to the desired station. If a translator were using that receiver to pick-up the primary station, then loss of service would be created.

Furthermore, the present KNME-DT allocation creates more interference to other stations than the proposed DTV channel. Interference to over 1,000 persons is predicted toward KNAT-DT on Channel 24 with the present allocation. No interference is predicted towards KNAT-DT with the proposed DTV allocation. Overall, the proposed DTV allotment would cause interference to less than 500 persons. Therefore, the proposed KNME-DT allotment would cause less interference than the presently allocated facility.

Proposal

Since the proposal does not change the allocated geographic reference coordinates, it is obvious that the proposed channel 35 DTV allotment will comply with the city coverage requirements contained in Section 73.625(a).

Figure 2 provides a summary of interference and service for the proposed channel 35 allotment. Determination of interference and service was based on the procedures outlined in OET Bulletin No. 69 and criteria

contained in Sections 73.622 and 73.623 of the FCC's rules.¹ It is believed that the proposed channel 35 operation is in full compliance with the FCC's 2%/10% interference criteria.

Class A Television Impact

The proposed facility will not cause interference to any existing low power television station (LPTV) that was determined to be eligible for Class A status by the Commission.

Mexican Border

The proposed allotment reference coordinates are located 381 kilometers from the closest point of the US/Mexican border. According to the U.S. and Mexican Memorandum of Understanding (MOU), the coordination zone between countries is 275 kilometers on either side of the border. Since the proposed allocation site is located more than 275 kilometers from Mexico, there is no Mexican border issue.

¹ The du Treil, Lundin & Rackley, Inc. DTV interference analysis program is based on the program and procedures outlined by the FCC in the Sixth Report and Order; subsequent Memorandum Opinion and Order; and FCC OET Bulletin No. 69. A nominal grid size resolution of 2 km was employed. An Alpha based processor computer system was employed. The results have been found to be in very close agreement with the results of the FCC implementation of OET Bulletin No. 69.

Conclusion

Channel 35 can be substituted for the current DTV channel 25 allotment of KNME-DT in compliance with the FCC's rules concerning DTV allotment changes.



Charles Cooper

du Treil, Lundin & Rackley, Inc.
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November 8, 2000

TECHNICAL EXHIBIT
 PREPARED IN SUPPORT OF
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 STATION KNME-DT
 ALBUQUERQUE, NEW MEXICO

Summary of Allocation Analysis

Facility	Channel	NTSC or DTV?	Baseline Service Population (1990)	Permissible IX(%)	Net New IX Caused by Proposed (1990)	Percent of Baseline (%)
KAZQ-TV Albuquerque, NM <i>Construction Permit</i>	32	NTSC	649,391	2.0	215	0.03
KAZQ-TV Albuquerque, NM <i>Licensed Facility</i>	32	NTSC	649,391	2.0	85	0.03

Figure 1

ALBUQUERQUE/SANTA FE TELEVISION SPECTRUM ANALYSIS CHART

